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CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY

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## Attachment 2 - EEOC Complaint Form

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DIVISIONPaul A. Simmons

(Name of plaintiff or plaintiffs)

Civil Action Number:

v.

Vanguard Resources Inc.**SA19CA0848 DAE**  
(Supplied by Clerk's Office)

(Name of defendant or defendants)

COMPLAINT

1. This action is brought by Paul A. Simmons, Plaintiff, pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☒ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment), religion or national origin.
- ☒ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☐ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☐ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees only).

2. Defendant Vanguard Resources Inc. (Defendant's name) lives at, or its business is located at 6500 Hwy 201 N. (street address), Spring Branch (city), Texas (state), 78070 (zip).

- 3a. Plaintiff sought employment from the defendant or was employed by the defendant at 9334 Ray Ellison Blvd. (street address), (city), San Antonio (state), Tx 78227 (zip).
- 3b. At all relevant times of claim of discrimination, Defendant employed 7-10 (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had \_\_\_\_\_ (#) members.
4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about \_\_\_\_\_ (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: 2/2018 - 12/18/18
5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about April (month) 11 (day) 2019 (year). (Not applicable to federal civil service employees).
- 6a. The E.E.O.C. issued a **Notice of Right to Sue** which was received by plaintiff on (month) April 20 (day) 2019 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

**VERY IMPORTANT NOTE:**

**PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.**

- 6b. Please indicate below if the E.E.O.C issued a **Determination** in your case:

☒ Yes  
☐ No

**VERY IMPORTANT NOTE:**

**IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT**

7. Because of plaintiff's:

(Please select the applicable allegation(s))

- ☐ Race (If applicable, state race) African American
- ☐ Color (If applicable, state color) Black

EEOC Form 161 (11-16) U.S. Equal Employment Opportunity Commission

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Paul A. Simmons**  
**11867 Stanton Dr.**  
**San Antonio TX 78253**

From: **San Antonio Field Office**  
**5410 Fredericksburg Rd**  
**Suite 200**  
**San Antonio, TX 78229**

☐

On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.  
**451-2019-01169**

EEOC Representative  
**Roy L. Roscoe, Investigator**

Telephone No.  
**(210) 281-7688**

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

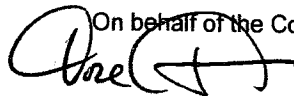
**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Enclosures(s)

**Travis G. Hicks, Director**

**4/16/2019**

(Date Mailed)

cc: **VANGUARD RESOURCES INC**  
**Marla Roper,**  
**Human Resources**  
**6500 Hwy 281 N.**  
**Spring Branch, TX 78070**

US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
SAN ANTONIO FIELD OFFICE  
5410 FREDERICKSBURG ROAD SUITE 200  
SAN ANTONIO, TX 78229-3555

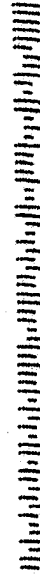
SAN ANTONIO  
TX 7820  
AN EQUAL OPPORTUNITY EMPLOYER  
EEO 41



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Paul A. Simmons  
11867 Stanton Dr.  
San Antonio TX 78253

78253-607667



- ☐ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim)  
☐ Religion (If applicable, state religion) \_\_\_\_\_  
☐ National Origin (If applicable, state national origin) \_\_\_\_\_  
☒ Age (If applicable, state date of birth) [REDACTED] \_\_\_\_\_  
☐ Disability (If applicable, state disability) \_\_\_\_\_  
☐ Prior complaint of discrimination or opposition to acts of discrimination.  
(Retaliation) (If applicable, explain events of retaliation) \_\_\_\_\_

The defendant: (please select all that apply)

- ☐ failed to employ plaintiff.  
☒ terminated plaintiff's employment.  
☐ failed to promote plaintiff.  
☐ harassed plaintiff.  
☐ other (specify) \_\_\_\_\_

8a. State **specifically** the circumstances under which defendant, its agent, or employees discriminated against plaintiff **PERSONALLY**:

**VERY IMPORTANT NOTE:** INCLUDE SPECIFIC DATES, SPECIFIC EVENTS, AND ANY SPECIFIC COMMENTS MADE BY DEFENDANT PERTAINING TO THE DISCRIMINATION CLAIM ALLEGED ABOVE.

*I was terminated because it was alleged that I used the clients truck without permission for my personal gain. The statement made to me was that my supervisor was giving permission to use the clients truck for his personal gain. My Supervisor is Caucasian*

8b. List any **witnesses** who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

*Alfred Esquivel, Haywood Wilson, Britton Stacey*

8c. List any **documentation** that would support plaintiff's allegations and explain what the documents will prove: *The office keeps a drivers log recording the date, time and location where the driver is going and the time of return. The log also shows the beginning mileage and ended mileage*

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

- ☐ still being committed by defendant.  
☐ no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

☐ Defendant be directed to employ plaintiff.

☒ Defendant be directed to re-employ plaintiff.

☐ Defendant be directed to promote plaintiff.

☒ Defendant be directed to Back pay, potential earnings, Pain and suffering  
phsy psychological, mental and punitive damages  
and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Date

Signature of Plaintiff

Address of Plaintiff

City

State

Zip Code

Telephone Number(s)